

Bereskin & Parr INTELLECTUAL PROPERTY LAW

November 5, 2003

Micheline Gravelle B.Sc., M.Sc. (Immunol.)
416 957 1682 mgravelle@bereskinparr.com

Your Reference: 09/902,563
Our Reference: 9579-37

Sent by Facsimile

The Commissioner of Patents
& Trademarks
Washington, D.C. 20231
U.S.A.

Dear Sir:

Re: TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
United States Patent Application No. 09/902,563
Entitled: Methods of Modulating Immune Coagulation
Inventors: Gary Levy
Filing Date: July 12, 2001
Examiner: Maher M. Haddad
Confirmation No.: 4438
Art Unit: 1644

Trillium Therapeutics Inc., a corporation of Ontario, of 96 Skyway Avenue, Toronto, Ontario, M9W 4Y9, Canada, is the owner of the entire right, title and interest in (1) U.S. Patent Application Serial No. 09/902,563, filed on July 12, 2001 and entitled "Methods of Modulating Immune Coagulation", by virtue of an assignment and a change of name document that is being filed simultaneously herewith under separate cover; and (2) U.S. Patent Application Serial No. 10/096,255, filed on March 13, 2002 and entitled "Methods of Modulating Immune Coagulation" by virtue of an assignment recorded at Reel 011438, Frame 0898 on January 15, 2001 and a change of name document that is being filed simultaneously herewith under separate cover.

Trillium Therapeutics Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent Application Serial No. 10/096,255 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period

Please send all correspondence to the Toronto office.

Scotia Plaza, 40 King St. West, 40th Floor,
Toronto, Ontario, Canada M5H 3Y2
Tel: 416.364.7311 Fax: 416.361.1398

2000 Argentia Rd., Plaza 4, Ste 410,
Mississauga, Ontario, Canada L5N 1W1
Tel: 905.812.3600 Fax: 905.814.0031

Waterloo Technology Campus, 408 Albert St., Ste. 2,
Waterloo, Ontario, Canada N2L 3B3
tel 519.885.3210 fax 519.883.3211

www.bereskinparr.com

Received from <4163611398> at 11/6/03 2:09:02 PM [Eastern Standard Time]

- 2 -

that the legal title to said patent shall be the same as the legal title to U.S. Patent Application Serial No. 10/096,255, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor, or assigns.

In making the above disclaimer, Trillium Therapeutics Inc., does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term of U.S. Patent Application Serial No. 10/096,255, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is hereby authorized to charge the government fee of \$55.00 to our firm's Deposit Account No. 02-2095. The Commissioner is also authorized to charge any additional fee which may be required, or credit any overpayment, to our firm's Deposit Account No. 02-2095.

The undersigned is an agent of record in the application.

Respectfully submitted,

GARY LEVY



Micheline Gravelle
Registration No. 40,261

Bereskin & Parr
Box 401, 40 King Street West
Toronto, Ontario, Canada M5H 3Y2

(416) 364-7311

Bereskin & Parr 

Scotia Plaza, 40 King Street West, 40th Floor
Toronto, Ontario, Canada M5H 3Y2
t: 416 364 7311 f: 416 361 1398

TELEFAX TRANSMITTAL

TO: U.S. Patent & Trademark Office

ATT'N: Maher M. Haddad - Examiner, Art Unit No. 1644

FAX NO.: 703-746-8319 **TEL No.:** 703-306-3472

FROM: Micheline Gravelle

DATE: November 5, 2003 **PAGES:** 9
(Including cover sheet)

File No.: 9579-37

Lawyer No.: 217

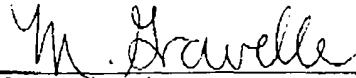
If transmission is interrupted or of poor quality, please notify us immediately by calling
Patricia Nolan at (416) 364-7311, ext. 6276

COMMENTS:

Re: **Serial No. 09/902,563**
Filed: **July 12, 2001**
Our reference: **9579-37**

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the attached Terminal Disclaimer and its enclosures are being
facsimile transmitted to the U.S. Patent & Trademark Office on the date shown below.



Micheline Gravelle
Registration No. 40,261

November 5, 2003
Date

CONFIDENTIAL

This communication may contain information that is privileged or confidential and is intended only for the
use of the individual to whom it is addressed. Any other distribution, copying or disclosure is strictly
prohibited. If you have received this communication in error, please notify us immediately by telephone
and return the original message to us by mail. Thank you.

Bereskin & Parr
INTELLECTUAL PROPERTY LAW

November 5, 2003

Micheline Gravelle B.Sc., M.Sc. (Immunol.)
416 957 1682 mgravelle@bereskinparr.comYour Reference: 09/902,563
Our Reference: 9579-37**Sent by Facsimile**The Commissioner of Patents & Trademarks
Washington, D.C. 20231
U.S.A.

Dear Sir:

Re: **LETTER**
United States Patent Application No. 09/902,563
Entitled: Methods of Modulating Immune Coagulation
Inventors: Gary Levy
Filing Date: July 12, 2001
Examiner: Maher M. Haddad
Confirmation No.: 4438
Art Unit: 1644

The present facsimile is further to our telephone conversation of November 5, 2003.

As we discussed, we are enclosing a Terminal Disclaimer over United States Patent Application No. 10/096,255. As mentioned in the Terminal Disclaimer, both the present application and the co-pending application are owned by Trillium Technologies Inc. However, we still need to file the attached Assignment and Change of Name documents as mentioned in the Terminal Disclaimer. These documents are attached herewith for your information and will also be filed with the proper recordation sheet and fees through the Assignment section.

Please do not hesitate to contact us should you require further information.

Yours truly,



Micheline Gravelle
MG ga
Enc.

Please send all correspondence to the Toronto office.

Scotia Plaza, 40 King St. West, 40th Floor, Toronto, Ontario, Canada M5H 3Y2 Tel: 416.364.7311 Fax: 416.361.1398	2000 Argentia Rd., Plaza 4, Ste. 430, Mississauga, Ontario, Canada L5N 1W1 Tel: 905.812.3600 Fax: 905.814.0031	Waterloo Technology Campus, 408 Albert St., Ste. 2, Waterloo, Ontario, Canada N2L 3V6 Tel: 519.783.3210 Fax: 519.783.3211
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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

55.00

Complete if Known

Application Number	09/902,563
Filing Date	July 12, 2001
First Named Inventor	GARY LEVY
Examiner Name	Maher M. Haddad
Art Unit	1644
Attorney Docket No.	9579-37

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number
Deposit Account Name

022095

Bereskin & Parr

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments

Charge any additional fee(s) or any underpayment of fees

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385		Utility filing fee	
1002 340	2002 170		Design filing fee	
1003 530	2003 265		Plant filing fee	
1004 770	2004 385		Reissue filing fee	
1005 160	2005 80		Provisional filing fee	
SUBTOTAL (1) (\$)		0.00		

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Fee	Fee	Fee	Fee Description	Fee Paid
Total Claims	- 20 ** =	X		0.00
Independent Claims	- 3 * =	X		0.00
Multiple Dependent				

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		0.00

** or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051 130	2051 65			Surcharge - late filing fee or oath	
1052 50	2052 25			Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130			Non-English specification	
1812 2,520	1812 2,520			For filing a request for ex parte reexamination	
1804 920*	1804 920*			Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*			Requesting publication of SIR after Examiner action	
1251 110	2251 55			Extension for reply within first month	
1252 420	2252 210			Extension for reply within second month	
1253 950	2253 475			Extension for reply within third month	
1254 1,480	2254 740			Extension for reply within fourth month	
1255 2,010	2255 1,005			Extension for reply within fifth month	
1401 330	2401 165			Notice of Appeal	
1402 330	2402 165			Filing a brief in support of an appeal	
1403 290	2403 145			Request for oral hearing	
1451 1,510	1451 1,510			Petition to institute a public use proceeding	
1452 110	2452 55			Petition to revive - unavoidable	
1453 1,330	2453 665			Petition to revive - unintentional	
1501 1,330	2501 665			Utility issue fee (or reissue)	
1502 480	2502 240			Design issue fee	
1503 640	2503 320			Plant issue fee	
1450 130	1460 130			Petitions to the Commissioner	
1807 50	1807 50			Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180			Submission of Information Disclosure Stmt	
8021 40	8021 40			Recording each patent assignment per property (times number of properties)	
1808 770	2808 385			Filing a submission after final rejection (37 CFR 1.129(w))	
1810 770	2810 385			For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2001 385			Request for Continued Examination (RCE)	
1802 900	1802 900			Request for expedited examination of a design application	
Other fee (specify)		Terminal Disclaimer			55.00

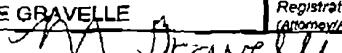
*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

55.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	MICHELINE GRAVELLE	Registration No. (Attorney/Agent)	40,261	Telephone (416) 364-7311
Signature			Date	Nov. 5, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

- 1 -

UNITED STATESASSIGNMENT

WHEREAS I, GARY LEVY, whose full post office address is 260 Henderson Avenue, Thornhill, Ontario, L3T 2M2, Canada, have invented certain new and useful improvements in an invention entitled **METHODS FOR MODULATING IMMUNE COAGULATION** for which an application for United States Letters Patent was filed on July 12, 2001 as serial No.09/902,563;

AND WHEREAS Transplantation Technologies Inc., a corporation of the Province of Ontario having a place of business at LuCliffe Place, 700 Bay Street, Suite 2108, Toronto, Ontario, M5G 1Z6, Canada, has acquired from me the whole right, title and interest for the United States of America and all other countries in and to the said invention and in and to any Letters Patent that may be obtained therefor, and in and to said application,

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I, **Gary Levy**, by these presents confirm that I have sold, assigned and transferred and do hereby sell, assign and transfer unto the said Transplantation Technologies Inc., the full and exclusive right to the said invention in the United States of America and all other countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor, and the entire right, title and interest in and to said application, and in and to any divisions, continuations, continuations-in-part and extensions of said application, together with the right to claim the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property based on said application for United States Letters Patent.

I agree that I will without further consideration do all such things and execute all such documents as may be necessary or desirable to obtain and maintain patents for said invention and for additions and modifications thereto in any and all countries, and to vest title thereto in said assignee, his successors, assigns and legal representatives or nominees.

- 2 -

I hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the said Transplantation Technologies Inc., the assignee of the entire right, title and interest in and to the same, for his sole use and benefit, and for the use and benefit of his successors and assigns, to the full end of the term for which Letters Patent may be granted as fully and entirely as the same would have been held by me had this assignment and sale not been made.

The undersigned hereby grants the firm of Bereskin & Parr (Box 401, 40 King Street West, Toronto, Ontario, Canada M5H 3Y2) the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

SIGNED this day of

May 7, 2003, at TorontoWitness
Gary Levy

6. The amendment has been duly authorized as required by sections 166 and 170 (as applicable) of the Business Corporations Act.
La modification a été dûment autorisée conformément aux articles 166 et 170 (selon le cas) de la Loi sur les sociétés par actions.
7. This resolution authorizing the amendment was approved by the shareholders/directors (as applicable) of the corporation on _____
Les actionnaires ou les administrateurs (selon le cas) de la société ont approuvé la résolution autorisant la modification le _____

2003/04/10

(Year, Month, Day)
(Année, mois, jour)

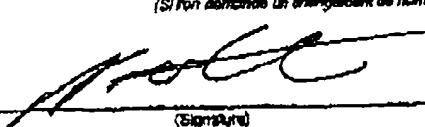
These articles are signed in duplicate.
Les présentes statuts sont signés en double exemplaire.

TRANSPLANTATION TECHNOLOGIES INC.

(Name of Corporation)
(Dénomination sociale de la société)

(If the name is to be changed by these articles set out current name)
(Si l'on demande un changement de nom, indiquer ci-dessous le dénomination sociale actuelle)

By:
For:



07119 (12/2001)
05/03/2003

(Signature)
(Signature)

John Holt
Chief Executive Officer

(Description of Officer)
(Fonction)